

REMARKS

Claims 1-17, 19-24, 25-74 and 77-98 are currently pending in this application. Claims 1-17, 19-24, 25-74 and 77-98 have been rejected. Claims 52, 62, 66 have been amended to correct a lack of antecedent basis errors, and claims 83 and 84 have been amended to more specifically recite that the claims are directed to computer-readable medium. Applicant respectfully submit that the present claim amendments should be entered because they reduce the issues on appeal. No new matter has been added.

In view of foregoing amendments and following remarks, the Applicants request reconsideration of the rejections, and a notification of allowance of the Application.

REJECTION OF CLAIMS 1-17, 19-23, 25-74 and 77-98 UNDER 35 U.S.C. § 103(a)

Claims 1-17, 19-24, 25-74 and 77-98 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Gough (U.S. Patent No. 6,072,489) in view of Gevers et al. (U.S. Patent No. 6,331,861). Applicants respectfully submit that this rejection should be withdrawn in view of the following remarks.

At pages 8-10 of the Office Action, the Examiner responds to Applicants' remarks made in the previous Office Action. However, Applicants respectfully submit that the combination of Gough and Gevers do not disclose the claimed process of creating an overlay plane or layer. While both Gough and Gevers may show images, whether translucent, opaque or otherwise, positioned over a base image, neither discloses creating a overlay plane or layer as recited in independent claims 1, 17, 20, 23, 31, 47, 52, 62, 66, 77, 83, 84, 93, 94, 95, 96 and 97.

Representative claim 1 recites, in part:

creating an overlay plane including the object as a function of the receiving step; and

displaying the object, in response to the request, by overlaying the created overlay plane in the window, wherein the object is displayed in a predetermined location relative to the window that is independent of a location of a pointing device.

Gough is relied upon to disclose the claimed feature of creating an overlay plane including the object as a function of the receiving step. At page 2 of the Office Action, the Office asserts that this feature is disclosed at FIG. 2 of Gough. But FIG. 2 does not mention creating an overlay plane, merely, making a translucent image (step 50) or an opaque image (step 52). Even the

text (col. 7, line 60-col. 8, line 13) associated with FIG. 2 does not describe an overlay plane. A

Applicants respectfully submit that Gough creates data representing the image and stores that data in video RAM and then blends the image data from video RAM with the RAM for the displayed page as described at column 15, lines 50-65, which reference FIG. 10 of Gough. Applicants respectfully submit that Gough does not disclose the step of creating an overlay plane as recited in the claims.

In the remarks to Applicants arguments, the Office points out that Gever discloses principles for a transparent 3D graphic overlay. However, Gever never refers to an overlay plane, the only plane referred to by Gever is a joystick plane, which has nothing to do with creating an overlay plane.

Accordingly, Applicants respectfully submit that neither Gough nor Gever, either in combination or individually, disclose or suggest the claimed feature of creating an overlay plane.

As for independent claim 52, it recites in part:

defining a layer using the software application provided functionality, wherein ***a layer definition is included in a definition of the window;***

Independent claims 62 and 66 recite language similar to claim 52. The Office asserts that this feature is disclosed at column 6, lines 13-60 of Gever, but the cited text does not even mention or suggest a layer, a layer definition or a definition of a window as recited in the claim. Applicants respectfully submit that neither Gough nor Gever, either in combination or individually, disclose or suggest defining a layer using the software application provided functionality, wherein a layer definition is included in a definition of the window in combination with the other features recited in claims 52 and 56.

As for independent claim 85, it recites in part:

creating a layer as a function of the clicking step, ***wherein the layer includes the object;***

Applicants respectfully submit that the Office has not identified where the combination of Gough and Gever disclose this feature of claim 85. Applicants respectfully submit that neither Gough nor Gever, either in combination or individually, disclose or suggest creating a layer as a

function of the clicking step, wherein the layer includes the object in combination with the other features recited in claim 85.

Accordingly, independent claims 1, 17, 20, 23, 31, 47, 52, 62, 66, 77, 83-85 and 93-97 are allowable. As for dependent claims 2-17, 19-23, 25-74, and 77-98, these claims are also allowable for at least the above reasons.

CONCLUSION

Applicant requests that the rejections of claims 1-17, 19-23, 25-74, and 77-98 be withdrawn, and an indication of allowable subject matter with respect to claims 1-17, 19-23, 25-74, and 77-98 be issued in response to this submission. Although not believed necessary, the Office is hereby authorized to charge any fees required under 37 C.F.R. § 1.16 or § 1.17 or credit any overpayments to Deposit Account No. 11-0600.

The Office is invited to contact the undersigned at 202-220-4200 to discuss any matter regarding this application.

Respectfully submitted,

/Martin E. Miller/

Date: November 3, 2008

Martin E. Miller

Registration No. 56,022

KENYON & KENYON
1500 K Street, N.W.
Washington, D.C. 20005
Ph.: (202) 220-4200
Fax.: (202) 220-4201